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CENTRAL FAX CENTER

AUG-25-2005

**FAX TRANSMISSION****DATE:** August 25, 2005**PTO IDENTIFIER:** Application Number 10/038,545-Conf. #7121

Patent Number

**Inventor:** Katsumi Tomioka**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP

Michael J. Scheer

**PHONE:** (212) 896-5472**Attorney Dkt. #:** H1139.0107**PAGES (Including Cover Sheet):** 9**CONTENTS:** Response After Final Action Under 37 CFR 1.116 - (8 pages)

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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CENTRAL FAX CENTER

AUG 25 2005

In re Patent Application of:  
Katsumi Tomioka

Application No.: 10/038,545

Confirmation No.: 7121

Filed: October 24, 2001

Art Unit: 2633

For: OPTICAL SUBSCRIBER SYSTEM AND  
TRANSMISSION LINE DISTANCE  
MONITORING METHOD

Examiner: D. J. Lee

Our Docket: H1139.0107

RESPONSE AFTER FINAL ACTION UNDER 37 C.F.R. § 1.116

Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

## INTRODUCTORY COMMENTS

In response to the Office Action dated June 15, 2005, finally rejecting claims 1 to 12, please enter the following remarks in the above-identified U.S. patent application:

Listing of Pending Claims begins on page 3 of this paper.

Remarks/Arguments begin on page 6 of this paper.

Certificate of Facsimile Transmission

I hereby certify that this correspondence is being faxed to the Commissioner for Patents of United States Patent and Trademark Office at the facsimile number (571) 273-8300 on the date shown below.

Dated: August 25, 2005Signature: 

Michael J. Seneer

DOCSNY.154650.2

Application No.: 10/038,545Docket No.: H1139.0107**FEE CALCULATION**

Any additional fee required has been calculated as follows:

☐ If checked, Small Entity status is claimed

	No. of Claims After Amendment		Highest No. Previously Paid For		Extra Present		Rate	Additional Fee
Total	12	MINUS	20**	=	0	x		\$0.00
Indep.	2	MINUS	3**	=	0	x		\$0.00
First presentation of multiple dependent claim(s)						x		\$
<b>TOTAL:</b>								<b>\$0.00</b>

\* not less than 20

\*\* not less than 3

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-2215.

**CONTINGENT EXTENSION REQUEST**

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 50-2215.